

Senate Bill 37

By: Senators Ligon, Jr. of the 3rd, Kennedy of the 18th and Jordan of the 6th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 2 of Chapter 5 of Title 13 of the Official Code of Georgia Annotated,
2 relating to the statute of frauds, so as to clarify that a mutual agreement to modify or alter an
3 existing promise, agreement, contract, or commitment that is subject to the statute of frauds
4 shall itself be in writing and subject to the statute of frauds; to provide that a mutual
5 agreement to cancel, revoke, or rescind a promise, agreement, contract, or commitment that
6 is subject to the statute of frauds shall itself be in writing and subject to the statute of frauds;
7 to respond to the holdings in *Crop Production Services, Inc. v. Moye*, 345 Ga. App. 228
8 (March 15, 2018); to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 Article 2 of Chapter 5 of Title 13 of the Official Code of Georgia Annotated, relating to the
13 statute of frauds, is amended by revising Code Section 13-5-30, relating to agreements
14 required to be in writing, as follows:

15 "13-5-30.

16 To make the following obligations binding on the promisor, the promise must be in writing
17 and signed by the party to be charged therewith or some person lawfully authorized by him
18 or her:

19 (1) A promise by an executor, administrator, guardian, or trustee to answer damages out
20 of his or her own estate;
21 (2) A promise to answer for the debt, default, or miscarriage of another;
22 (3) Any agreement made upon consideration of marriage;
23 (4) Any contract for sale of lands, or any interest in, or concerning lands;
24 (5) Any agreement that is not to be performed within one year from the making thereof;
25 (6) Any promise to revive a debt barred by a statute of limitation; **and**
26 (7) Any commitment to lend money; **and**

27 (8) Any agreement to modify, alter, cancel, revoke, or rescind a promise, contract,
28 agreement, or commitment provided for in paragraphs (1) through (7) of this Code
29 section."

30

SECTION 2.

31 All laws and parts of laws in conflict with this Act are repealed.